THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.12352 OF 2004

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Date: 27-12-2005

Sri Venkateswara Non Ferrous Foundry …. Petitioner

And

The Commercial Tax Officer … Respondent

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.12352 OF 2004

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

Heard learned counsel for the parties.

Counter has been filed. The case of the petitioner is that he purchased certain raw material. Subsequently, an assessment was made on 13-03-2003, and as a result of this assessment, he paid tax. However, the Government came up with G.O.Ms.No.1133 Revenue (CT-II) Department, dated 14-11-2003. According to the

petitioner, he is entitled to refund of the amount paid by him in terms of the said G.O., though the same was issued on 14-11-2003, but was given retrospective effect from 13-08-1998.

The respondent in his counter, having denied these submissions, however, has submitted that the petitioner never made any representation to them stating that the benefit accruing under G.O.Ms.No.1133 should be given to him.

In this view of the matter, we dispose of this writ petition allowing the petitioner to make a representation before the respondent within a period of two weeks. The respondent may pass appropriate orders, in accordance with law, on the representation of the petitioner within a period of four weeks after the representation is presented before him. No order as to costs.

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(Bilal Nazki, J)

27th December, 2005

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(C.V.Ramulu, J)

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